

Some *CONSIDERATIONS* humbly Offered to the

# PARLIAMENT:

Being a Short

# DISCOURSE

SHEWING

The great Inconvenience of joyning the Plantation  
*CHARTERS* with those of *ENGLAND* in the  
*General Act of Restoration*, and the Necessity of  
having for them a *Particular ACT*.

Wherein is Contained,

A full *ANSWER* to a late Pamphlet Intituled,  
*NEW-ENGLAND Vindicated*, &c.

By a true Lover of his Country, and a hearty Wisher of the  
Prosperity of the said *PLANTATIONS*.

**T**HE Bill now depending in the Honourable House of Commons, for restoring Charters to the state they were in, in the year 1660, is, perhaps, as necessary a Law, as any amongst the many excellent ones the Parliament have passed this Sessions; yet, if it should include (as it appears by the Votes it is design'd to do) those Charters of the Foreign Plantations (which were taken away on quite different Reasons from these in *England*, as will appear by and by, and highly agreeable to the sense of former Parliaments) it might prove, in a few years, as prejudicial to *England*, by ruining the Trade, Navigation, and Staple Manufactures thereof, as the breach of all the others could do. And this will appear to any Rational Man, who will consider

The great Powers granted to some of those Foreign Plantations, but more particularly, that of the *Massachusetts Colony* in *America*, (who affect to call themselves by the general Name of *New England*, though they are not above a tenth of those Colonies which go under that denomination) the Inconveniencies of which, could not be so well foreseen, until they began to grow somewhat numerous; and then it was so obvious, that the Parliament in King *Charles I.* time, presented it as one of the greatest grievances of the Kingdom, and contrary to the Law and Privileges of the Subjects; the Parliament doubting, they would in a short time wholly shake off the Royal Jurisdiction: But the King having granted it, thought it a diminution to his Prerogative to have it question'd. And so Dissolving the Parliament, and the Wars breaking out, nothing was done in it until King *Charles II.* his Restoration, when immediately he and his Council, began to be very sensible of the great mischief, those Plantations in *America*, did

*Vide Sir Ferdinando Gorges Account of New-England, p. 43.*



did to the Trade of *England*, and the Unlimited Authority some of them pretended to exercise, as well among themselves, as over their weaker Neighbours: And vast numbers of complaints came daily over, as well of their (*viz.* the *Massachusetts*) Incroachments on their said Neighbours, with Petitions for Redress, from the Colonies so grieved; as also, of their Abominable, Illegal way of Trade. As to the Trade, the Parliament took it into Consideration, and made several Laws to Regulate it; as the Act of Navigation, in the 12th of the said King; and others made in the 22d and 23d, and the 25th of the same King. But the Government of the *Massachusetts* Colony, being in the hands of those who were the Principal Offenders, those Acts had no effect there, though 'tis worth observing, that they in the year 1663, made a Law, That the said Act of Navigation should be observed there; which plainly demonstrates, that they think the Laws of *England* of no force there, unless Confirmed by their General Court, (as indeed it appears by their first Law, in their Law-book, Printed in the year 1672, by Authority of their said General Court, *viz.* *That no Law shall be submitted to, but what is made in their General Court* :) But this was only a Colour, for it was never known either that any of their Governours, whatever they may pretend, who were Chosen by their Charter, did take the Oath prescribed in that Act; or that any man was ever punished by Vertue of it, though the Offences were as frequent as before. And when these, and all other the Law of Trade were broken, as they were daily, no Redress could be had, for the Persons offending, were those chiefly concerned in the Government. These innumerable complaints, put the King to vast Expence, to maintain Persons in several places of *Europe*, as *France*, *Hamborough*, *Holland*, &c. to detect their Illegal Traders, after by long Experience, having found it impracticable in *New England*, by reason of the largeness of the Country, and the many Navigable Rivers there. But after such Detection, no Redress could be had, or indeed, expected, from Persons who must be Party, Judge and Jury, and whose Determinations there are final, for they will allow of no Appeal to *England*, as all other the Plantations do, and ought to submit to, which makes them as absolutely Independant on the Crown of *England*, as are the Subjects of any other Prince. And this made them boldly employ two or three hundred Sail of Ships yearly, Trading to and fro from the several Plantations, and most Parts of *Europe*, supplying those several places, with such Commodities, as ought by Law, to be had from no place but *England*, or paying *English* Duties; and this without being under the Restrictions of such Laws, as put our Merchants to vast Charges, either by Customs, or otherwise, which inabled them to under-sell our *English* Merchants 50 per Cent. at least, to the unspeakable prejudice of the Kings Customs, and the decay of our Manufactures, as well as an Infalible Bait to all our Manufacturers to remove thither, where People Trade with such advantage over their fellow Subjects.

But why do I call them Subjects, when indeed they Act as a Free and Independant *Commonwealth*, as they in their Law-book stile themselves, (though I am not ignorant that a certain Person has lately, with as much confidence as falsity, affirmed that word *Commonwealth* to be Repealed.) And this was what the Parliament in K. *Charles* I. time did suspect, and thereupon, all Persons were Prohibited going thither, without first taking the Oaths of Allegiance and Supremacy; but this was never observed.

Now to shew the Unlimited Authority they pretend to, in some few of those many Instances might be produced.

*Vide Law*  
Book, p. 43,  
45, 48, 55, 56,  
58.

1. They took upon them to Coyn Money, in the Name of the *Commonwealth* as they call it.

2. To make several Laws sufficiently repugnant to those of *England*, especially in matters of Religion, as well as making many offences Capital, which are not so in *England* (though this was absolutely against the very words of their Charter) as may be seen, for the more ease, in an Abstract of some of their Laws lately Printed, and presented to the Members of the Honourable House of Commons:

3. Their Arbitrary and Barbarous usage of the Kings Commanders of his Ships: To Instance particularly, Sir *John Weybourn*, who they dragged about by the Hair of the Head, and beat most Inhumanly; for which, neither he nor the King could have any satisfaction. And they shew themselves excellent observers of the Laws of Navigation, when they cannot distinguish the Kings Ships, and Legal Traders, from Pirates, which is the weak pretence made use of, by he who calls himself the *New England* Vindicator, to palliate this horrid usage of the Kings Commanders, and excuse their giving entertainment of a quite different nature to Pirates.

4. They



4. They Arbitrarily, and with Force, intruded on their Neighbour Colonies, and on their Complaint to the King, they refused his Commissioners sent to determine the difference occasioned thereby, as may be seen in Mr. *Ogilby's History of America*, p. 164 & 165. where he sets forth, how in the years 1665 & 1668, they in a Warlike manner, with Horse and Foot, turned the Kings Justices out of their Seats at *Boston*, who had been three years Impowered, and quietly Executed their Trust, to keep matters in Peace, till the difference between the Colonies was Adjusted: Sat down in their Places, Executed their own Commission from the General Court, Imprison'd the Kings Povoſt Marshal; and committed ſeveral other Notorious Affronts to the King, by his Miniſters, as is more at large in the Book it ſelf. Theſe Commissioners of the Kings, who were ſent to Determine the Differences between the Colonies, were Authorized to do it by their ſound Diſcretion, which the aforeſaid Vindicator calls Illegal and Arbitrary, and ſuch as could not be ſubmitted to: Whereas they could poſſibly be Determined no otherwiſe than by their Diſcretion, on View and Examination, for they were matters of difference between diſtinct Colonies, relating to their ſeveral Bounds and Limits of their Jurisdiction, which could not be Determined by any other Law but that of Reaſon.

They have often ſaid ſince that Vote paſſed, That if their Charter was reſtored, the King of *England* had nothing to do there; and that if he did ſend any ſuch thing as a Governor thither, he ſhould not be obeyed: Nay, one of them, who is a great Proprietor in a Colony there, and were there occaſion, ſhould be named, did ſay to a Perſon that is not aſhamed or afraid to declare it, That *what Power ſoever the King of England had formerly in—Himſelf now had; And that no Governor ſhould be Obeyed there.*

For theſe and ſeveral other notorious Abuses (not to be prevented ſo long as the Supreme Governing Power is in that People) it was that the King was forced to adviſe how to reduce them to Obedience, and no way was thought ſo proper as to vacate their Charter, for their acting ſo much beyond the Powers therein granted, though they were ſo large as to be thought Grievances by the Parliament as above, and not on the Meaſures theſe Charters of *England* were taken away; and therefore, as I humbly conceive, ought to be further conſidered, before they be reſtored to that Power which may ſoon give them opportunity of ſetting up for themſelves, as the Parliament formerly feared.

Theſe *New-England* Gentlemen on thoughts of being reſtored, immediately caſt off all Propoſals with the Subſcribers for working Copper Mines in their Country, in hopes of getting it into their Power once again to proſecute their old way of Trade; and now I have mentioned the Copper Mines, I doubt not but the Parliament will take into their Conſideration the great Advantage that Work may be to *England*, ſince it is none of the Product of *England*, and will not only be a ſufficient Employment and Staple Commodity for that Country, the want of which forces them to ſeek thoſe illegal ways formerly mentioned; But if this be well encouraged, and the Subſcribers ſecured by having the Government of it here, and not ſubject to thoſe in *New England*, may prove of unſpeakable return to this Kingdom, (whenas at preſent thoſe Colonies ſerve only to exhaust us of our People run away with our Trade, and put us to great Expence to maintain them without bringing in any conſiderable profit) as is with higheſt Probabilities believed by the moſt underſtanding Men amongſt the Subſcribers; who notwithstanding the falſe Suggeſtions of the *New England* Vindicator have really ſpent above 500 *l.* in Experiments, and ſoliciting a Charter; and who, were the Charter Sealed, would in a very little time make up that Sum already Subſcribed 100000 *l.* or more if there were occaſion, as was agreed amongſt them when they ſhut up their Books after about 60 Thouſand, which was only Subſcribed as an Earneſt to give them a Title to act as Members of that Society, with reſolution to make up the ſaid Sum a 100000 *l.* when the Charter was paſſed: And ſo horridly falſe was the ſaid Vindicators Pretence, that ſeveral Perſons of Quality reſuſed to come into the Subſcription, becauſe the Government of thoſe Colonies were altered, that on the contrary every one reſuſed to come in ſo ſoon as they apprehended their Charter was like to be reſtored, and immediately on that Vote of the Honourable Houſe of Commons, there was a general Meeting of the Subſcribers, where the thoughts of their being ſtated in their former Powers, and their declaring that the King now had nothing to grant them, had like to have diſſolved the Society, who at this time only defer that Diſſolution, in hopes the  
Parliament



## [ 4 ]

Parliament will take them into Consideration, by providing for them in the Act, or leaving room for the King to grant such Privileges as shall be thought requisite for so great an Undertaking, resolving otherwise to have nothing to do with men so wedded to their own interest, at such a distance, and not to be controuled by any Power in England.

A further Reason for not restoring their Charters without some Limitations and Powers reserved in the Government, is the great Danger of all those Plantations falling into the hands of the *French*; for should their several Charters be restored by a General Act, they would as formerly be divided into 8 or 10 several Independent Governments, so far from being able, or so much as willing to unite against a common Enemy, that they never was or ever can be at Peace amongst themselves, perpetually Quarrelling with one another about Bounds, Limits and Jurisdictions; nay, the Differences of Religion in the several Colonies raises them to such an inveteracy against one another, that when one of the Colonies was fighting against the *Indians* and wanted Provision, and another Colony, being of a different Perswasion in Religion, out of pure Charity sent them some, a Dispute arose amongst them whether they should Eat thereof because it came from an unsanctified People, but their Stomachs produced a Dispensation, and they after long debate fell on: The Fable of the bundle of Arrows needs no Application here. But it is well enough known that it cannot be in the Power of the *French* to injure those Plantations, if several of them were joyn'd under one entire Superintendancy, according as may be most conveniently disposed, and this will put them in a Capacity to resist a common Enemy, and determine on the place all Differences arising between the several Jurisdictions, and on this account without any other, all rational men must and do think themselves and their Effects much safer under the present sort of Government than formerly (not to excuse the Governour if he has done any unjust Acts, for which he is answerable, and that is more than the Charter-Government will allow of, there being no Appeal from them.

Besides, let the *New England Vindicator* pretend what he will, if these Charters be restored, in general terms it must necessarily ruin many Families, who have laid out all their Substance in improving such Lands as they were necessitated to accept of, a Title for, from the present Government, and great Confusions must arise in Disputes about Titles and several other Matters, which will all be prevented or determined by such a Superintendancy as is above-mentioned, not to prejudice any Man or Body-Corporate in their just Proprieties and reasonable and convenient Privileges.

Last of all it must be remembred, that the restoring these Charters, without Limitation to the state they were in, in the Year 1660, with all the Powers and Privileges they then enjoyed, does in effect repeal (as to what relates to them) the Act of Navigation, and all other Acts made since the Year 1660, to restrain their Illegal Trade; the Dangerous Consequence of which may be seen in the Preambles of those Acts.

On the whole therefore, 'tis humbly Offered as the most Safe and Advantagious way for the Interest of *England*, that the Charters of the Plantation may be restored by an Act on purpose, and not by the General Act with these in *England*, they being quite of a different Nature, and that there be in their Act, (1.) Such Restrictions as shall in your great Wisdoms seem necessary as to the Government, to keep it dependant on *England*, and subject to be called in question on any Irregularities, by Appeal or otherwise to *England*. (2.) Some sort of Indemnity or else Power to punish or forgive such past Misdemeanours as shall seem requisite. (3.) With a Confirmation of such Titles as shall appear to be reasonable in your said Wisdom: To which might be added, a vast number of weighty things, fitter for the Consideration of a Committee for that purpose, than the Thoughts of any private person.

Thus the Plantations may, as at first designed, yearly produce a prodigious Income to their Mother *England*, not without a proportionable return of Nourishment from her, which they must not be suffered to get into a Capacity of refusing.

F I N I S.



D689  
-S693C  
[R]